

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DOMINION CITRUS, LTD.	:	CIVIL ACTION
Ontario Food Terminal	:	
165 The Queensway Room 304	:	
Etobicoke Ontario M8Y 1H8	:	
and	:	
AGRI SOUSS	:	
P/C Fresh Fruit S.A.	:	
Parcelle No 4 1 er Etage	:	
Nouveau Port Anza	:	
Agadir, Morocco	:	
and	:	
EL BOURA	:	
P/C Fresh Fruit S.A.	:	
Parcelle No 4 1 er Etage	:	
Nouveau Port Anza	:	
Agadir, Morocco	:	
and	:	
GPA	:	
P/C Fresh Fruit S.A.	:	
Parcelle No 4 1 er Etage	:	
Nouveau Port Anza	:	
Agadir, Morocco	:	
and	:	
LIMOUNA SOUSS	:	
P/C Fresh Fruit S.A.	:	
Parcelle No 4 1 er Etage	:	
Nouveau Port Anza	:	
Agadir, Morocco	:	
and	:	
PRIAGRUS	:	
P/C Fresh Fruit S.A.	:	
Parcelle No 4 1 er Etage	:	
Nouveau Port Anza	:	
Agadir, Morocco	:	
Plaintiffs	:	
v.	:	
M/V ATLANTIC HOPE,, her engines,	:	
machinery, tackle, apparel, etc	:	
and	:	

ARTEMIS LINE, S.A.	:
20 Federico, Boydave,	:
51 St. Panama City, Panama	:
and	:
KANTOH KAIUN CO. LTD.	:
7-14, Nihonbashi-tomizama-sho,	:
Chuo-ku, Tokyo Japan	:
and	:
SEATRADE REEFER CHARTERING N.V.	:
Atlantic House (4th fl.)	:
Noorderlaan 147, PO Box 10.012	:
2030 Antwerp 3, Belgium	:
and	:
SEATRADE GROUP, INC.	:
Atlantic House (4th fl.)	:
Noorderlaan 147, PO Box 10.012	:
2030 Antwerp 3, Belgium	:
and	:
SEATRADE USA	:
442 W. Kennedy Blvd., S. 290	:
Tampa, FL 33606 USA	:
Defendants.	: NO. 07-cv-

**VERIFIED COMPLAINT IN ADMIRALTY
IN REM AND IN PERSONAM**

Plaintiffs, by and through their undersigned attorneys, bring this civil action against Defendants and upon information and belief aver as follows:

1. Plaintiffs Dominion Citrus, Ltd., Agri Souss, El Boura, GPA, Limona Souss, and Priagus, (hereinafter collectively "Plaintiffs") bring this suit against Defendants under the provisions of 28 U.S.C. Section 1333, as this is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and the specific procedures of said Rules relative to admiralty actions.

2. At all times hereinafter mentioned, Plaintiffs, were and still are business entities duly organized and existing under the law with offices and places of business as set forth in the

caption, and were and still are shippers and exporters and/or importers of fruit, *inter alia*.

3. Upon information and belief, at all times hereinafter mentioned, Defendant M/V ATLANTIC HOPE (hereinafter "vessel"), was and still is a vessel operated as a common and/or private carrier of goods in ocean transportation and upon information and belief, she is now, or will be during the pendency of this action, within this District and subject to the jurisdiction of this Honorable Court.

4. Upon information and belief, at all times hereinafter mentioned, Defendants Artemis Line, S.A., Kantoh Kaiun co. Ltd., Seatrade Reefer Chartering N.V., Seatrade Group, Inc., and/or Seatrade USA, (hereinafter collectively or "Defendants"), were and still are business entities duly organized and existing under the law, with the address set forth in the caption, and was/were the owner(s) and/or disponent owner(s) and/or charterer(s) and/or manager(s) and/or operator(s) of the vessel and was/were engaged in the common and/or private carriage of merchandise by water for hire.

5. Plaintiffs were and/or are the shippers, and/or consignees and/or owners and/or successors in title of the cargo described within and they bring this action on their behalf and as agents and trustees on behalf of and for the interest of all parties who are, may be or become interested in said shipment, as their respective interests may ultimately appear, and Plaintiffs are entitled to maintain this action.

6. Plaintiffs and all other parties in interest have duly performed all valid conditions precedent to the contracts of carriage on their part to be performed and all conditions precedent to Plaintiffs recovering under the bills of lading have occurred or have been performed by Plaintiffs and/or their predecessors in title.

7. At all times material hereto, Defendants were and are now engaged in the business of common carriage and/or private carriage of merchandise by water for hire and owned, operated, managed, chartered, possessed and/or controlled various vessels, including the vessel, as common and/or private carriers of merchandise for hire.

8. Vessels owned, operated, managed, chartered, possessed and/or controlled by Defendants have used the ports of the State of Delaware, discharged and loaded cargo therein, been supplied services and stores therein, and Defendants are subject to service of process under the applicable admiralty practice and the statutes of the State of Delaware.

9. Prior to the commencement of this action, Plaintiffs became the owner for the value of the cargo in question and the covering bills of lading, and/or the successor in title to the rights and interest of the holder of the bills of lading and brought this action on behalf of, and for the interest of all parties who are or may become, interested in the cargo in question as their respective interests may ultimately appear.

10. All and singular, the matters alleged are true and correct.

11. Plaintiffs reserve the right to amend and supplement this Complaint as further facts become available.

COUNT ONE

12. Plaintiffs incorporate the averments contained in all preceding paragraphs, inclusive, with the same force and effect as if fully set forth herein

13. On or about October 19, 2007 at Agadir, Morocco, (hereinafter "place of loading") there was shipped and delivered to the Defendant vessel, and the other Defendants, as common and/or private carriers, for delivery to the port of Wilmington, DE, a cargo of

clementines in boxes, owned and/or shipped by Plaintiffs, then being in good order and condition, and Defendants then and there accepted said cargo so shipped and delivered to them, and in consideration of certain agreed freight charges, executed and delivered certain bills of lading including but not limited to bill(s) of lading SDGRAGAWI702001, SDGRAGAWI702002, SDGRAGAWI702003, SDGRAGAWI702004, SDGRAGAWI702005, SDGRAGAWI702006 and SDGRAGAWI702007, signed and delivered to the shippers or consignees of said cargo by Defendants, or by the Master of the vessel and/or his duly authorized agent (attached in Exhibit A), or other contract(s) of carriage, to the shippers, agreed to transport and carry the said shipment to the destination stated therein and there deliver the same in like good order and condition as when shipped, delivered to and received by them, to the consignees named in the bill of lading.

14. Thereafter, Defendants loaded the said merchandise on the vessel, which having on board said merchandise sailed from the port of loading and subsequently, on or about October 30, 2006, but upon arrival of the vessel and delivery of the cargo to the consignees the cargo was not in the same good order and condition as when delivered to Defendants and the vessel, but rather, the cargo is seriously impaired in value by reason of sustaining physical damage and/or shortage, *inter alia*.

15. The loss of and damage to Plaintiffs' merchandise was not caused by any act or omission of Plaintiffs or those for whom they may be responsible, but instead was caused by the unseaworthiness of the vessel and the violation of Defendants' duties and obligations as common carriers by water for hire, and/or private carriers by water for hire, and the breach of Defendants' contracts of carriage and other agreements with Plaintiffs.

16. By reason of the unseaworthiness of the vessel, and/or Defendants' breach of the contracts of carriage and other agreements with Plaintiffs, Plaintiffs have sustained damages presently estimated to be in excess of One Hundred Eighty Seven Thousand Four Hundred Forty One Dollars and Twenty One Cents (\$187,441.21) plus interest, costs and attorney's fees. Plaintiffs reserve the right to increase this amount should their losses ultimately be in excess thereof.

17. The applicable bills of lading and/or contracts of carriage are governed by the general maritime law of the United States and/or the Carriage of Goods by Sea Act, 46 U.S.C. § 1301 et seq., and/or other applicable laws or conventions.

18. By reason of the aforesaid, Plaintiffs have a maritime lien on the vessel.

WHEREFORE, Plaintiffs pray that:

(a) Process of arrest in due form of law according to the practice of this Honorable Court in causes of admiralty and maritime claims may issue against the vessel, her engines, boilers, etc. as provided in the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure; that all persons having or claiming any interest therein be cited to appear and answer, under oath, all and singular, the matters herein; that judgment be entered in favor of Plaintiffs for the damages as aforesaid, with interest, costs and attorney's fees; that the said vessel be condemned and sold and the proceeds of said sale be brought into this Court and applied to pay Plaintiffs the sums found due them.

(b) Process in due form of law according to the practice of this Honorable Court may issue against Defendants citing them to appear and answer, under oath, all and singular the matters herein.

(c) If Defendants cannot be found within this District, then all of their property, credits and/or effects in the possession of any person, partnership, or corporation, including any vessel owned or operated by said Defendants be attached as provided in the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure in an amount double the above claimed damages.

(d) Judgment be entered in favor of Plaintiffs and against Defendants, jointly or severally, for the damages as aforesaid, with interest, costs and attorney's fees.

(e) The Court grant such other and further relief to Plaintiffs as in law and justice they may be entitled to receive.

COUNT TWO

19. Plaintiffs incorporate the averments of all preceding paragraphs, inclusive, with the same force and effect as if fully set forth herein.

20. The loss of and damage to Plaintiffs' merchandise was caused by the carelessness, negligence, breach of duty or breach of warranty and lack of due care of Defendants.

21. By reason of the Defendants' carelessness, negligence, breach of duty or breach of warranty and lack of due care, Plaintiffs have sustained damages presently estimated to be in excess of One Hundred Eighty Seven Thousand Four Hundred Forty One Dollars and Twenty One Cents (\$187,441.21) plus interest, costs and attorney's fees. Plaintiffs reserve the right to increase this amount should their losses ultimately be in excess thereof.

22. By reason of the aforesaid, Plaintiffs have a maritime lien on the vessel.

WHEREFORE, Plaintiffs pray that:

(a) Process of arrest in due form of law according to the practice of this Honorable Court in causes of admiralty and maritime claims may issue against the vessel, her engines, boilers, etc. as provided in the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure; that all persons having or claiming any interest therein be cited to appear and answer, under oath, all and singular, the matters herein; that judgment be entered in favor of Plaintiffs for the damages as aforesaid, with interest, costs and attorney's fees; that the said vessel be condemned and sold and the proceeds of said sale be brought into this Court and applied to pay Plaintiffs the sums found due them.

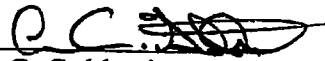
(b) Process in due form of law according to the practice of this Honorable Court may issue against Defendants citing them to appear and answer, under oath, all and singular the matters herein.

(c) If Defendants cannot be found within this District, then all of their property, credits and/or effects in the possession of any person, partnership, or corporation, including any vessel owned or operated by said Defendants be attached as provided in the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure in an amount double the above claimed damages.

(d) Judgment be entered in favor of Plaintiffs and against Defendants, jointly or severally, for the damages as aforesaid, with interest, costs and attorney's fees.

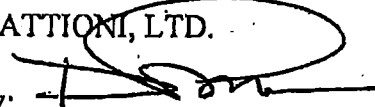
(e) The Court grant such other and further relief to Plaintiffs as in law and justice they may be entitled to receive.

Lee C. Goldstein Esq.

By: 
Lee C. Goldstein, Esquire
615 W. 18th St.
P.O. Box 1957
Wilmington, DE
Attorney ID No. 231

OF COUNSEL:

MATTIONI, LTD.


By: 
Dante Mattioni, Esquire
Stephen J. Galati, Esquire
399 Market Street, Second Floor
Philadelphia, PA 19106
(215) 629-1600
Attorney for Plaintiff(s)

VERIFICATION BY WAY OF UNSWORN DECLARATION

I am a member of the law firm of Mattioni, Ltd. counsel for the Plaintiffs, in this matter. Plaintiffs are business entities and there are no authorized officers of the Plaintiffs readily available in the District to make this verification; I am authorized to make this verification on behalf of Plaintiffs; the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, except as to matters therein stated upon information and belief, and as to these matters, I believe them to be true; the sources of my information and the grounds of my belief are documents in the possession of my firm and reports made to me by officers, employees, representatives and agents of Plaintiffs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 24, 2007



Stephen J. Galati

EXHIBIT A

STAFF

Fax:3024727742

Nov 1 2006 11:37 P.03

PAGE 2

Shipper

**AGRI SOUSS
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR**

Consignee to order of

**DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada**

NOTIFY

**DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada**

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE**BILL OF LADING**

TO BE USED WITH CHARTER-PARTIES

Code Name "Congenbill"

Edition 1994

issued for use in international trade

by

The Baltic and International
Maritime Conference

Reference No.

B/L No. SDGRAGAWI702001

ORIGINAL

Shipper's description of goods

Gross weight

Net weight

said to be

said to weigh

MOROCCO**579 PALLETS SAID TO CONTAIN 156 771 BOXES OF CLEMENTINES****507 282 KGS****458 910 KGS**

*large sustained significant damage.
during voyage. We hold
carrier responsible.*

CLEAN ON BOARD**"FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006"**

*Emi Distretto
November 1, 2006*

(of which on deck at shippers risk, the Carrier not
being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2006

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading, days, hours.

SHIPPED at the Port of Loading in apparent good order and condition on
board the Vessel for carriage to the Port of Discharge or so near
thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of
Bills of Lading indicated below all of this tenor and date, any one of which being
accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006**WILMINGTON, DE**

Number of original Bills of Lading
(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

B. Lyden
**GENERAL STEAMSHIP CORPORATION, LTD.
AS AGENTS**

Master 

STAFF

Fax:3024727742

Nov 1 2006 11:37 P.04

PAGE 2

B/L No.SDGRAGAWI7Q2002

Shipper

EL BOURA
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR

Consignee to order of

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

NOTIFY

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE**BILL OF LADING**

TO BE USED WITH CHARTER-PARTIES

Code Name " Congenbill "

Edition 1994

Reference No.

issued for use in international trade

by

The Baltic and International

Maritime Conference

ORIGINAL

Shipper's description of goods

Gross weight

Net weight

said to be

said to weigh

MOROCCO**96 PALLETS SAID TO CONTAIN 25 940 BOXES OF CLEMENTINES****84 012 KGS****76 000 KGS**

*large. sustained significant damage
during voyage. We hold carrier
responsible.*

CLEAN ON BOARD**" FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006 "**

Ernie Fichtel
Nov. 1, 2006.

(of which on deck at shippers risk, the Carrier not
being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2006

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading.....days.....hours.

SHIPPED at the Port of Loading in apparent good order and condition on
board the Vessel for carriage to the Port of Discharge or so near
thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of
Bills of Lading indicated below all of this tenor and date, any one of which being
accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006**WILMINGTON, DE**

Number of original Bills of Lading
(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

B. L. L. L.
GENERAL STEAMSHIP CORPORATION, LTD.
AS AGENTS

Master 

STAFF

Fax:3024727742

Nov 1 2006 11:37 P.05

PAGE 2

Shipper

G P A
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR

Consignee to order of

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

NOTIFY

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE**BILL OF LADING**

TO BE USED WITH CHARTER-PARTIES

Code Name "Congenbill"

Edition 1994

Reference No.

issued for use in international trade

by

The Baltic and International

Maritime Conference

B/L No. SDGRAGAWI702003

ORIGINAL

Shipper's description of goods

Gross weight

Net weight

said to be

said to weigh

MOROCCO**652 PALLETS SAID TO CONTAIN 191 106 BOXES OF CLEMENTINES****561 134 KGS****505 102 KGS**

*Large finished significant damage
during voyage. We hold owner
responsible.*

CLEAN ON BOARD**"FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006"**

Erwin B. B. B.
November 1, 2006.

(of which on deck at shippers risk, the Carrier not
being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2006

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading.....days.....hours.

SHIPPED at the Port of Loading in apparent good order and condition on
board the Vessel for carriage to the Port of Discharge or so near
thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of
Bills of Lading indicated below all of this tenor and date, any one of which being
accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006**WILMINGTON, DE**

Number of original Bills of Lading
(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

B. L. L. L.
GENERAL STEAMSHIP CORPORATION, LTD.
AS AGENTS

Master *[Signature]*

STAFF

Fax:3024727742

Nov 1 2006 11:37 P.06

PAGE 2

B/L No.SDGRAGAWI702004

Shipper

LIMOUNA SOUSS
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR

Consignee to order of

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

NOTIFY

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE**BILL OF LADING**

TO BE USED WITH CHARTER-PARTIES

Code Name "Congenbill"

Edition 1994

Reference No.

issued for use in international trade

by

The Baltic and international
 Maritime Conference

ORIGINAL

Shipper's description of goods

Gross weight

Net weight

said to be

said to weigh

MOROCCO**308 PALLETS SAID TO CONTAIN 90 604 BOXES OF CLEMENTINES****261 970 KGS****235 832 KGS**

*Large sustained significant damage
 during voyage. We hold carrier
 responsible.*

CLEAN ON BOARD**"FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006"**

Ernst Schutte
November, 1, 2008

(of which on deck at shippers risk, the Carrier not
 being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2006

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading.....days.....hours.

SHIPPED at the Port of Loading in apparent good order and condition on
 board the Vessel for carriage to the Port of Discharge or so near
 thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of
 Bills of Lading indicated below all of this tenor and date, any one of which being
 accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006**WILMINGTON, DE**

Number of original Bills of Lading
(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

B Lyden
GENERAL STEAMSHIP CORPORATION, LTD.
AS AGENTS

Master 

STAFF

Fax:3024727742

Nov 1 2006 11:37 P.07

PAGE 2

B/L No.SDGRAGAWI702005

BILL OF LADING

TO BE USED WITH CHARTER-PARTIES

Code Name "Congenbill"

Reference No.

Edition 1994

issued for use in international trade

by

The Baltic and International

Maritime Conference

Shipper

PRIAGRUS
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR

Consignee to order of

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

NOTIFY

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE

ORIGINAL

Shipper's description of goods

Gross weight

Net weight

said to be

said to weigh

MOROCCO**196 PALLETS SAID TO CONTAIN 52 935 BOXES OF CLEMENTINES****172 527 KGS****156 054 KGS**

CLEAN ON BOARD

"FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006"

Cargo sustained significant damage during voyage. We hold carrier responsible.
Ernie Bistler
Nov. 1, 2006.

(of which on deck at shippers risk, the Carrier not being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2005

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading.....days.....hours.

SHIPPED at the Port of Loading in apparent good order and condition on board the Vessel for carriage to the Port of Discharge or so near thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of Bills of Lading indicated below all of this tenor and date, any one of which being accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006**WILMINGTON, DE**

Number of original Bills of Lading

(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

B Lyden
GENERAL STEAMSHIP CORPORATION, LTD.
AS AGENTS

Master 

STAFF

Fax:3024727742

Nov 1 2006 11:38 P.08

PAGE 2

Shipper

AGRI SOUSS
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR

BILL OF LADING

B/L No.SDGRAGAWI702006

TO BE USED WITH CHARTER-PARTIES

Code Name "Congenbill"

Reference No.

Edition 1994

issued for use in International trade

by

The Baltic and International

Maritime Conference

Consignee to order of

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

NOTIFY

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE

Shipper's description of goods

Gross weight

Net weight

said to be

MOROCCO

12 PALLETS

SAID TO CONTAIN

4 320 EMPTY BOXES

said to weigh

1 358 KGS

CLEAN ON BOARD

"FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006"

*Large sustained significant
damage during voyage. The
old carrier responsible*

Em. Kitchin

November 1, 2006

(of which on deck at shippers risk, the Carrier not
being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2006

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading.....days.....hours.

SHIPPED at the Port of Loading in apparent good order and condition on
board the Vessel for carriage to the Port of Discharge or so near
thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of
Bills of Lading indicated below all of this tenor and date, any one of which being
accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006

WILMINGTON, DE

Number of original Bills of Lading
(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

Blyden
GENERAL STEAMSHIP CORPORATION, LTD.
AS AGENTS

Master [Signature]

STAFF

Fax:3024727742

Nov 1 2006 11:38 P.09

PAGE 2

B/L No SDGRAGAWI702007

BILL OF LADING

TO BE USED WITH CHARTER-PARTIES

Code Name "Congenbill"

Reference No.

Edition 1994

issued for use in international trade

by

The Baltic and International

Maritime Conference

Shipper

AGRI SOUSS
P/C FRESH FRUIT
PARCELLE N° 4 1er ETAGE
NOUVEAU PORT ANZA
AGADIR

Consignee to order of

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

NOTIFY

DOMINION CITRUS LTD
ONTARIO TERMINAL FOOD
165 THE QUEENSWAY
ROOM 304 ETOBICOKE
ONTARIO M8Y / 1H8 Canada

Vessel

M/S ATLANTIC HOPE

Port of Loading

AGADIR

Port of discharge

WILMINGTON - DELAWARE

Shipper's description of goods

Gross weight

Net weight

said to be

said to weigh

MOROCCO

3 CARTONS

SAID TO CONTAIN

3 UNITS CONTAINING COMPLEX OF STICKERS

75 KGS

CLEAN ON BOARD

"FREIGHT IS PAYABLE AS PER CHARTER PARTY DATED 04/10/2006"

*large sustained significant
damage during voyage. we hold
carrier responsible*

*Emi Desbute
November 1, 2006*

(of which on deck at shippers risk, the Carrier not
being responsible for loss or damage howsoever arising)

Freight payable as per

CHARTER PARTY dated : 04.10.2006

FREIGHT ADVANCE.

Received on account of freight:

Time used for loading.....days.....hours.

SHIPPED at the Port of Loading in apparent good order and condition on
board the Vessel for carriage to the Port of Discharge or so near
thereto as she may safely get the goods specified above.

Weight, measure, quality, quantity, condition, contents and value unknown.

IN WITNESS whereof the Master or Agent of the said Vessel has signed the number of
Bills of Lading indicated below all of this tenor and date, any one of which being
accomplished the others shall be void.

FOR CONDITIONS OF CARRIAGE SEE OVERLEAF

Freight payable as per

Place and date of issue

20th October 2006 WILMINGTON, DE

Number of original Bills of Lading
(THREE) 3

Signature

AS AGENTS FOR AND ON BEHALF OF MASTER

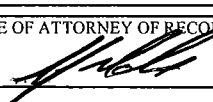
B. Lyden
GENERAL STEAMSHIP CORPORATION, LTD.,
AS AGENTS

Master [Signature]

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Dominion Citrus, et al. (See attached sheet)		DEFENDANTS M/V Atlantic Hope, et al. (See attached sheet)																									
(b) County of Residence of First Listed Plaintiff <u>Ontario, Canada</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.																									
(c) Attorney's (Firm Name, Address, and Telephone Number) Lee C. Goldstein, Esquire, 615 W. 18th St., P.O. Box 1957 Wilmington, DE		Attorneys (If Known) Palmer Biezup & Henderson, LLP, 1223 Foulk Rd., Wilmington, DE 19803																									
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																									
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>			PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																						
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																						
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																						
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																						
<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)																											
IV. NATURE OF SUIT (Place an "X" in One Box Only)																											
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes																						
V. ORIGIN (Place an "X" in One Box Only)																											
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment																											
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Maritime action to enforce maritime lien against Defendant Vessel. Brief description of cause: Lawsuit to recover for damage to cargo carried in ocean transportation.																									
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ <u>in excess of \$187,000.00</u> CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																									
VIII. RELATED CASE(S) IF ANY		(See instructions): JUDGE _____ DOCKET NUMBER _____																									
DATE <u>10/24/07</u>		SIGNATURE OF ATTORNEY OF RECORD 																									
FOR OFFICE USE ONLY																											
RECEIPT # _____		AMOUNT _____																									
APPLYING IFP _____		JUDGE _____																									
MAG. JUDGE _____		_____																									

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

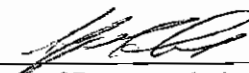
Civil Action No. 07 - 672

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

10/25/07
(Date forms issued)

x 
(Signature of Party or their Representative)

x Stepha J Goggin
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action